

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

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|--|---|----------------------------|
| NOELLE ROSELYN AIPPERSPACH, as |) | |
| Personal Representative of the Estate of |) | |
| MAHIR S. AL-HAKIM, deceased, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:11-CV-01225-DGK |
| |) | |
| PATRICK MCINERNEY, et al., |) | |
| |) | |
| Defendants. |) | |

JUDGMENT APPROVING WRONGFUL DEATH SETTLEMENT

NOW on this 22nd day of January, 2013, the Application for Approval of Wrongful Death Settlement comes on for hearing. Plaintiff Noelle Roselyn Aipperspach appears in person and through her attorney, Robert Sullivan. Defendants Platte County, Anderson and Green appear by and through their counsel, David S. Baker.

Plaintiff and Defendants Platte County, Anderson and Green agree to waive a jury trial and submit all issues contained within the Application for Approval of Wrongful Death Settlement to the Court for determination, which waiver is expressly approved by the Court. The parties present, having advised the Court that Plaintiff has, subject to the approval of the Court, agreed to a compromise separate settlement of any and all claims she and all others have or may have against Defendants Platte County, Anderson and Green (including their agents, servants, employees, officials and representatives) arising out of or related to or connected with the March 18, 2010, death of Mahir S. Al-Hakim.

The terms and conditions of the aforesaid separate settlement are the payment of the total sum of *Two Thousand Five Hundred and no/100 Dollars (\$2,500.00)* to those individuals who are entitled to share in the proceeds of this separate compromise and settlement, in exchange for which Plaintiff, on behalf of herself and all others who have or may have at any time in the future have a claim connected with or in any way arising out of the death of Mahir S. Al-Hakim, shall execute a Separate Settlement Agreement and Release which extinguishes any and all claims which she or anyone else has or may have against separate Defendants Platte County, Anderson and Green (including their officials, representatives, agents, servants and employees) arising from, relating to, or in any way connected with the death of Mahir S. Al-Hakim. That Separate Settlement Agreement and Release shall not have any impact on or otherwise impair the ability of Plaintiff or anyone else to prosecute claims arising from or connected with the death of Mahir S. Al-Hakim against any other individual or entity.

Plaintiff has entered into a contract with her counsel and represents that it is appropriate for her attorney not to collect any attorney's fee in connection with this separate settlement. Plaintiff further proposes that seventy-five percent (75%) of this separate settlement (a total of \$1,875.00) be allocated to reimburse her counsel for litigation expenses associated with this lawsuit. This Court finds and concludes that the proposal by Plaintiff is appropriate, reasonable and fair. Further, Plaintiff has agreed that a fair and reasonable apportionment of the proceeds of this settlement is:

- (1) To Noelle Roselyn Aipperspach (decendent's sister) the total amount of *One Hundred Twenty-Five and no/100 Dollars (\$125.00)*;
- (2) To Kimberly Williams (decendent's sister) the total amount of *One Hundred Twenty-Five and no/100 Dollars (\$125.00)*;

- (3) To Rebecca Arbuckle (decedent's sister) the total amount of *One Hundred Twenty-Five and no/100 Dollars (\$125.00)*;
- (4) To Bonnie Arbuckle (decedent's sister) the total amount of *One Hundred Twenty-Five and no/100 Dollars (\$125.00)*;
- (5) To Sunshine Arbuckle (decedent's sister) the total amount of *One Hundred Twenty-Five and no/100 Dollars (\$125.00)*; and
- (6) To the law firm of Sullivan, Morgan & Chronic, LLC (Plaintiff's law firm) the total amount of *One Thousand Eight Hundred Seventy-Five and no/100 Dollars (\$1,875.00)* for reimbursement of litigation expenses associated with this lawsuit.

WHEREUPON, the Court, having heard evidence and having been fully advised in the premises, with regard to the Application for Approval of Wrongful Death Settlement, hereby orders, adjudges and decrees as follows:

1. The proposed separate settlement between Plaintiff and Defendants Platte County, Anderson and Green in the total amount of *Two Thousand Five Hundred and no/100 Dollars (\$2,500.00)* is fair and reasonable, and is hereby approved.

2. The following persons are the only persons entitled to share under the laws of the State of Missouri in the apportionment of this settlement: Noelle Roselyn Aipperspach (sister of decedent); Kimberly Williams (sister of decedent); Rebecca Arbuckle (sister of decedent); Bonnie Arbuckle (sister of decedent); and Sunshine Arbuckle (sister of decedent).

3. Plaintiff and Defendants Platte County, Anderson and Green have freely, knowingly and voluntarily waived their right to a jury trial and have consented to the submission of all issues regarding this proposed separate settlement to the Court for determination.

4. Pursuant to R.S.Mo. § 537.080, the only members of the class of persons entitled to bring an action for the wrongful death of Mahir S. Al-Hakim are Noelle Roselyn Aipperspach

(sister of decedent), Kimberly Williams (sister of decedent), Rebecca Arbuckle (sister of decedent), Bonnie Arbuckle (sister of decedent) and Sunshine Arbuckle (sister of decedent).

5. Pursuant to the provisions of R.S.Mo. § 537.095, all persons entitled to bring an action for the wrongful death of Mahir S. Al-Hakim have had an opportunity to join in this action and this separate settlement, and Plaintiff has exercised due diligence in providing written notification concerning the hearing on this Application for Approval of Wrongful Death Settlement to all persons entitled to bring an action for the death of Mahir S. Al-Hakim and/or participate in the settlement proceeds.

6. The amount of *One Thousand Eight Hundred Seventy-Five and no/100 Dollars (\$1,875.00)* to reimburse Plaintiff's counsel is fair and reasonable and shall be paid from these settlement proceeds.

7. The settlement proceeds shall be apportioned and distributed as follows:

- (a) Noelle Roselyn Aipperspach (decedent's sister): \$125.00;
- (b) Kimberly Williams (decedent's sister): \$125.00;
- (c) Rebecca Arbuckle (decedent's sister): \$125.00;
- (d) Bonnie Arbuckle (decedent's sister): \$125.00;
- (e) Sunshine Arbuckle (decedent's sister): \$125.00;
- (f) \$1,875.00 to reimburse Plaintiff's counsel, Sullivan, Morgan & Chronic, LLC Law Firm, for litigation expenses associated with this lawsuit.

8. Plaintiff is ordered to execute the Separate Settlement Agreement and Release in favor of Defendants Platte County, Anderson and Green (including all of their officials, agents, servants, employees and representatives) releasing them from any and all liability, claims,

demands and actions arising from, related to, or in any way connected with the death of Mahir S. Al-Hakim. This Separate Settlement Agreement and Release is specifically found by this Court to not have any impact on the remaining claims of Plaintiff against other Defendants.

9. Plaintiff and her counsel shall collect and receipt for the payment of these separate settlement proceeds.

10. Plaintiff and her counsel shall acknowledge satisfaction of these separate settlement proceeds.

11. Plaintiff shall file an appropriate Stipulation of Dismissal With Prejudice as to Defendants Platte County, Anderson and Green.

IT IS SO ORDERED.

/s/ Greg Kays
GREG KAYS
UNITED STATES DISTRICT JUDGE

Kansas City, Missouri

Dated: January 22, 2013